

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christer SINDERBY *et al.*

Serial No.: 10/589,385

Filed: August 15, 2006

For: METHOD AND DEVICE USING  
MYOELECTRICAL ACTIVITY FOR  
OPTIMIZING A PATIENT'S  
VENTILATORY ASSIST

Group Art Unit: 3743

Examiner: Unknown

Atty. Dkt. No.: BRKP:028US

Confirmation No.: 7142

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

August 22, 2007  
Date

*Michael Barrett for:*  
David D. Bahler

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US), dated March 22, 2007, there are enclosed  
herewith:

- (a) A Declaration executed on behalf of Christer SINDERBY, Jennifer BECK,  
Jadranka SPAHIJA, and Lars LINDSTRÖM;
- (b) A Power of Attorney on behalf of MAQUET CRITICAL CARE AB;

- (c) Our payment via credit card in the amount of \$1,150.00 to cover the surcharge for late filing (\$130.00); and three month extension of time fee (\$1,020.00);
- (d) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
- (e) A Request for Extension of Time of three months to and including August 22, 2007. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to MAQUET CRITICAL CARE AB and a payment of \$40.00 are being filed online via Electronic Patent Assignment System.

The required fees in the amount of \$1,150.00 in connection with the filing of this paper are being charged to a credit card through EFS-Web concurrently with this submission. The Commissioner is hereby authorized to deduct any underpayment of fees or any additional fees required under 37 C.F.R. §§ 1.16 to 1.21 in connection with the filing of this paper from Fulbright & Jaworski Deposit Account No.: 50-1212/BRKP:028US.

Respectfully submitted,

*Michael C. Bahler (reg. 44,523) for:*

David D. Bahler  
Reg. No. 30,932  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: August 22, 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,385	Christer Sinderby	BRKP;028US

32425  
 FULBRIGHT & JAWORSKI L.L.P.  
 600 CONGRESS AVE.  
 SUITE 2400  
 AUSTIN, TX 78701

INTERNATIONAL APPLICATION NO.	
PCT/CA05/00217	
I.A. FILING DATE	PRIORITY DATE
02/18/2005	02/18/2004

CONFIRMATION NO. 7142  
 371 FORMALITIES LETTER



\*OC000000022954961\*

Date Mailed: 03/22/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/15/2006
- Copy of the International Search Report filed on 08/15/2006
- Preliminary Amendments filed on 08/15/2006
- Information Disclosure Statements filed on 11/20/2006
- U.S. Basic National Fees filed on 08/15/2006
- Priority Documents filed on 08/15/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,385	PCT/CA05/00217	BRKP;028US